



General Assembly

***Substitute Bill No. 491***

*February Session, 2000*

***An Act Concerning Workers' Compensation Commissioners  
And Employer-Sponsored Workers' Compensation Plans.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subsection (d) of section 31-279 of the general statutes is  
2       repealed and the following is substituted in lieu thereof:

3       (d) Each plan established under subsection (c) of this section shall be  
4       submitted to the chairman for [his] approval at least one hundred  
5       twenty days before the proposed effective date of the plan and each  
6       approved plan, along with any proposed changes [therein] in the plan,  
7       shall be resubmitted to the chairman every two years thereafter for  
8       reapproval. The chairman shall approve or disapprove such plans on  
9       the basis of standards established by the chairman in consultation with  
10      a medical advisory panel appointed by the chairman. Such standards  
11      shall include, but not be limited to: (1) The ability of the plan to  
12      provide all medical and health care services that may be required  
13      under this chapter in a manner that is timely, effective and convenient  
14      for the employees; (2) the inclusion in the plan of all categories of  
15      medical service and of an adequate number of providers of each type  
16      of medical service in accessible locations to ensure that employees are  
17      given an adequate choice of providers, including at least one  
18      occupational health clinic and one auxiliary occupational health clinic,  
19      as those terms are defined in section 31-396; (3) the provision in the  
20      plan for appropriate financial incentives to reduce service costs and

21 utilization without a reduction in the quality of service; (4) the  
22 inclusion in the plan of fee screening, peer review, service utilization  
23 review and dispute resolution procedures designed to prevent  
24 inappropriate or excessive treatment; and (5) the inclusion in the plan  
25 of a procedure by which information on medical and health care  
26 service costs and utilization will be reported to the chairman in order  
27 for him to determine the effectiveness of the plan.

28 Sec. 2. Subsection (b) of section 31-280 of the general statutes is  
29 repealed and the following is substituted in lieu thereof:

30 (b) The chairman of the Workers' Compensation Commission shall:

31 (1) Establish workers' compensation districts and district offices  
32 within the state, assign compensation commissioners to the districts to  
33 hear all matters arising under this chapter within the districts and may  
34 reassign compensation commissioners once each year, except that  
35 when there is a vacancy, illness or other emergency, or when  
36 unexpected caseload increases require, the chairman may reassign  
37 compensation commissioners more than once each year;

38 (2) Adopt such rules as the chairman, in consultation with the  
39 advisory board, deems necessary for the conduct of the internal affairs  
40 of the Workers' Compensation Commission;

41 (3) Adopt regulations, in consultation with the advisory board and  
42 in accordance with the provisions of chapter 54, to carry out [his] the  
43 chairman's responsibilities under this chapter;

44 (4) Prepare and adopt an annual budget and plan of operation in  
45 consultation with the advisory board;

46 (5) Prepare and submit an annual report to the Governor and the  
47 General Assembly;

48 (6) Allocate the resources of the commission to carry out the  
49 purposes of this chapter;

50 (7) Establish an organizational structure and such divisions for the  
51 commission, consistent with this chapter, as the chairman deems  
52 necessary for the efficient and prompt operation of the commission;

53 (8) Establish policy for all matters over which the commission has  
54 jurisdiction, including rehabilitation, education, statistical support and  
55 administrative appeals;

56 (9) Appoint such supplementary advisory panels as the chairman  
57 deems necessary and helpful;

58 (10) Establish, in consultation with the advisory board, (A) an  
59 approved list of practicing physicians, surgeons, podiatrists,  
60 optometrists and dentists from which an injured employee shall  
61 choose for examination and treatment under the provisions of this  
62 chapter, which shall include, but not be limited to, classifications of  
63 approved practitioners by specialty, and (B) standards for the approval  
64 and removal of physicians, surgeons, podiatrists, optometrists and  
65 dentists from the list by the chairman;

66 (11) (A) Establish standards in consultation with the advisory board  
67 for approving all fees for services rendered under this chapter by  
68 attorneys, physicians, surgeons, podiatrists, optometrists, dentists and  
69 other persons;

70 (B) In consultation with employers, their insurance carriers, union  
71 representatives, physicians and third-party reimbursement  
72 organizations establish, not later than October 1, 1993, and publish  
73 annually thereafter, a fee schedule setting the fees payable by an  
74 employer or its insurance carrier for services rendered under this  
75 chapter by an approved physician, surgeon, podiatrist, optometrist or  
76 dentist, provided the fee schedule shall not apply to services rendered  
77 to a claimant who is participating in an employer's managed care plan  
78 pursuant to section 31-279. The fee schedule shall limit the annual  
79 growth in total medical fees to the annual percentage increase in the  
80 consumer price index for all urban workers. Payment of the  
81 established fees by the employer or its insurance carrier shall

82 constitute payment in full to the practitioner, and the practitioner may  
83 not recover any additional amount from the claimant to whom services  
84 have been rendered;

85 (C) Issue, not later than October 1, 1993, and publish annually  
86 thereafter, guidelines for the maximum fees payable by a claimant for  
87 any legal services rendered by an attorney in connection with the  
88 provisions of this chapter, which fees shall be approved in accordance  
89 with the standards established by the chairman pursuant to  
90 subparagraph (A) of this subdivision;

91 (12) Approve applications for employer-sponsored medical care  
92 plans, based on standards developed in consultation with a medical  
93 advisory panel as provided in section 31-279;

94 (13) Establish procedures for the hiring, dismissing or otherwise  
95 disciplining and promoting employees of the commission, subject  
96 where appropriate to the provisions of chapter 67;

97 (14) Control the hearing calendars of the compensation  
98 commissioners, and if necessary, preside over informal hearings in  
99 regard to compensation under the provisions of this chapter in order to  
100 facilitate the timely and efficient processing of cases;

101 (15) Enter into contracts with consultants and such other persons as  
102 necessary for the proper functioning of the commission;

103 (16) Direct and supervise all administrative affairs of the  
104 commission;

105 (17) Keep and maintain a record of all advisory board proceedings;

106 (18) Assign and reassign a district manager and other staff to each of  
107 the commission's district offices;

108 (19) Collect and analyze statistical data concerning the  
109 administration of the Workers' Compensation Commission;

110 (20) Direct and supervise the implementation of a uniform case  
111 filing and processing system in each of the district offices that will  
112 include, but not be limited to, the ability to provide data on the  
113 number of cases having multiple hearings, the number of postponed  
114 hearings and hearing schedules for each district office;

115 (21) Establish staff development, training and education programs  
116 designed to improve the quality of service provided by the  
117 commission, including, but not limited to, a program to train district  
118 office staff in the screening of hearing requests;

119 (22) Develop standard forms for requesting hearings and standard  
120 policies regarding limits on the number of informal hearings that will  
121 be allowed under this chapter, and limits on the number of  
122 postponements that will be permitted before a formal hearing is held  
123 pursuant to section 31-297;

124 (23) Develop guidelines for expediting disputed cases;

125 (24) Establish an ongoing training program, in consultation with the  
126 advisory board, designed to assist the commissioners in the fulfillment  
127 of their duties pursuant to the provisions of section 31-278, which  
128 program shall include instruction in the following areas: Discovery,  
129 evidence, statutory interpretation, medical terminology, legal decision  
130 writing and the purpose and procedures of informal and formal  
131 hearings;

132 [(25) Evaluate, in conjunction with the advisory board, the  
133 performance of each commissioner biannually and, notwithstanding  
134 the provisions of subsection (b) of section 1-210 and chapter 55, make  
135 the performance evaluation of any commissioner available only to the  
136 Governor, the members of the joint standing committee on the  
137 judiciary and the respective commissioner prior to any public hearing  
138 on the reappointment of any such commissioner. Any information  
139 disclosed to such persons shall be used by such persons only for the  
140 purpose for which it was given and shall not be disclosed to any other  
141 person;]

142     [(26)] (25) (A) In consultation with insurers and practitioners,  
143     establish not later than October 1, 1993, and publish annually  
144     thereafter, practitioner billing guidelines for employers, workers'  
145     compensation insurance carriers and practitioners approved by the  
146     chairman pursuant to subdivision (10) of this subsection. The  
147     guidelines shall include procedures for the resolution of billing  
148     disputes and shall prohibit a practitioner from billing or soliciting  
149     payments from a claimant for services rendered to the claimant under  
150     the provisions of this chapter (i) during a payment dispute between  
151     the practitioner and the employer or its workers' compensation  
152     insurance carrier, or (ii) in excess of the maximum fees established  
153     pursuant to subparagraph (B) of subdivision (11) of this subsection;

154     (B) In consultation with practitioners and insurers, develop not later  
155     than July 1, 1994, practice protocols for reasonable and appropriate  
156     treatment of a claimant under the provisions of this chapter, based on  
157     the diagnosis of injury or illness. The commission shall annually  
158     publish the practice protocols for use by approved practitioners,  
159     employers, workers' compensation insurance carriers and  
160     commissioners in evaluating the necessity and appropriateness of care  
161     provided to a claimant under the provisions of this chapter;

162     (C) In consultation with practitioners and insurers, develop not later  
163     than July 1, 1994, utilization review procedures for reasonable and  
164     appropriate treatment of a claimant under the provisions of this  
165     chapter. The chairman shall annually publish the procedures for use  
166     by approved practitioners, employers, workers' compensation  
167     insurance carriers and commissioners in evaluating the necessity and  
168     appropriateness of care provided to a claimant under the provisions of  
169     this chapter.

170     Sec. 3. Section 31-280a of the general statutes is repealed and the  
171     following is substituted in lieu thereof:

172     (a) There shall be an Advisory Board of the Workers' Compensation  
173     Commission to advise the chairman on matters concerning policy for

174 and the operation of the commission. The advisory board shall consist  
175 of eight members, who shall be appointed by the Governor, with the  
176 advice and consent of the General Assembly. Four of such members  
177 shall represent employees and four shall represent employers. One of  
178 such members representing employees shall be an individual who has  
179 suffered an extensive disability arising out of and in the course of [his]  
180 employment. One of such members representing employers shall be a  
181 representative of a major general hospital in the state. On or before  
182 January 1, 1992, the Governor shall appoint, and the General Assembly  
183 shall confirm, such members of the advisory board as follows: Two  
184 shall serve a term of four years from said date, one of whom shall  
185 represent employees and one of whom shall represent employers; two  
186 shall serve a term of three years from said date, one of whom shall  
187 represent employees and one of whom shall represent employers; two  
188 shall serve a term of two years from said date, one of whom shall  
189 represent employees and one of whom shall represent employers; and  
190 two shall serve a term of one year from said date, one of whom shall  
191 represent employees and one of whom shall represent employers.  
192 Thereafter such members shall be appointed for a term of four years  
193 from January first in the year of their appointment. Any vacancy on  
194 the advisory board shall be filled for the remainder of the term in the  
195 same manner as the original appointment. The chairman of the  
196 Workers' Compensation Commission shall serve as an ex-officio  
197 member of the advisory board without the power to vote.

198 (b) The appointed members of the advisory board shall select a  
199 ninth member who shall be impartial and shall serve as the chairman  
200 of the advisory board. The members of the advisory board shall serve  
201 without compensation. Each member shall be reimbursed for expenses  
202 necessarily incurred by the member in the performance of [his] the  
203 member's duties. The advisory board shall not be construed to be a  
204 board or commission subject to the provisions of section 4-9a. The  
205 Workers' Compensation Commission shall provide such staff as is  
206 necessary for the performance of the functions and duties of the  
207 advisory board.

208 (c) The advisory board shall meet at least twice in each calendar  
209 quarter and at such other times as the chairman or the chairman of the  
210 Workers' Compensation Commission deem necessary. All actions of  
211 the advisory board shall require the affirmative vote of six members of  
212 the advisory board. The advisory board may bring any matter related  
213 to the operation of the workers' compensation system to the attention  
214 of the chairman of the Workers' Compensation Commission. The  
215 advisory board may adopt any rules of procedure that the board  
216 deems necessary to carry out its duties under this chapter.

217 [(d) The advisory board shall submit its written recommendations  
218 concerning the reappointment of each compensation commissioner to  
219 the Governor and the General Assembly not later than three months  
220 before the expiration of the term of the commissioner.]

**LAB Committee Vote:** Yea 9 Nay 4 JFS